

Application No.: 09/496,563

2

Docket No.: 514292000100

REMARKS

The final Office Action is the second office action in this application. In response to the first office action, after a telephonic interview with the Examiner, Applicant agreed to amend the claims to recite that the "object" of the environment under simulated operation are "mechanical systems operating in the environment." The Examiner agreed that this amendment overcame the rejections in the first office action.

In the present final Office Action, the Examiner has now cited new references to allege even the amended claims are unpatentable. It is respectfully submitted, as set forth in detail below, that the present final rejection is improper for at least two reasons. First, the combination of references fails to yield the subject matter of the claims. Second, in any event, the two cited references are improperly combined.

Failure to Yield Subject Matter of the Claims

We first discuss some claimed features that are not present in the cited references. As one example, it is respectfully submitted that the Bershteyn reference fails to disclose the "rate independent" feature, contrary to the Examiner's assertion. As claimed, each service program code means executes at a rate independent of the other service program code means. In addition to referencing eight entire figures of Bershteyn, the Examiner also cites various other relatively small textual portions of Bershteyn. However, Applicant can find nothing in these citations that discloses the "rate independent" feature. If the Examiner continues to contend that Bershteyn discloses this feature, then Applicant respectfully requests the Examiner to more specifically point out where and how the disclosure of Bershteyn is contended to disclose this feature.

In addition, it is further respectfully submitted that the Schoening reference does not disclose coordinating execution of write requests as recited in the claims. Rather, the device disclosed in the Schoening reference, when it requires coherent access to a data store, executes in a single thread. See col. 42, lines 56-59. ("Such SMFunctions execute in a single thread because they

pa-858053

Application No.: 09/496,563

3

Docket No.: 514292000100

need access to all members over which the evaluation is proceeding”) Thus, contrary to the Examiner’s assertion, it is believed that the Schoening reference does not disclose coordinating execution of queue requests . . . such that each service program code means has a coherent view of all the object attributes.”

Improper Motivation to Combine

It is also respectfully submitted that, in any event, the Bershteyn reference is improperly combined with the Schoening reference. In the first place, while Applicant agrees that Bershteyn recognizes “speed” is an issue with which to be dealt, there is nothing in Bershteyn that suggests the “solution” proposed by the Examiner. That is, Bershteyn recognizes the problem and, by its very terms, suggests what it considers to be a complete solution. See, for example, the “SUMMARY OF THE INVENTION” section at col. 3, lines 29-54. There, it is clearly stated that “The Subject Debugger achieves a 50-100 speed advantage over prior debuggers by being able to ignore most of the instructions which would normally be simulated.” (col. 3, lines 29-31). It is further stated that “In summary, the speed of the subject hardware-software debugger is markedly increased through the use of high speed simulators which ignore all systems operations except those where design errors are expected to manifest themselves” (col. 3, lines 45-48).

The Examiner asserts that, to speed up simulations, “one skilled in the art would have been motivated to seek a method of executing a simulation in a system where the execution can take place in parallel.” Unfortunately, besides being contrary to the actual teachings of Bershteyn (discussed in the previous paragraph), this assertion is unsupported. In accordance with MPEP 2144.03.C, Applicant respectfully requests the Examiner to produce authority for this assertion of motivation. That said, the Examiner seems to equate “multitasking” or “multithreading” with parallel execution. However, “multitasking” of processes does not necessarily speed up execution. Rather, “multitasking” or “multithreading,” in general, accomplishes allocation of resources to the various processes, rather than an overall speeding up of execution. Thus, not only is the Examiner’s assertion of motivation wholly unsupported as a procedural matter it is also substantively flawed. For at least these reasons, the Examiner’s assertion of obviousness to combine is improper.

pa-858053

Application No.: 09/496,563

4

Docket No.: 514292000100

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 514292000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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pa-858053